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2
3 BEFORE THE ARIZONA STATE BOARD
4 OF OSTEOPATHIC EXAMINERS IN MEDICINE AND SURGERY
5

6 In the Matter of :) No. 92-003
7 Patrick Marsh, D.O.)
8 Holder of License No. 2502) CONSENT TO ENTRY OF
9 for the Practice of Osteopathic) ORDER AND FINDINGS
10 Medicine and Surgery in the) OF FACT, CONCLUSIONS
State of Arizona) OF LAW AND ORDER

11 A complaint charging Patrick Marsh, D.O., Holder of License No.
12 2502 for the practice of Osteopathic Medicine and Surgery in the
13 State of Arizona with unprofessional conduct as provided in
14 A.R.S.§32-1854 having been received by the Arizona Board of
15 Osteopathic Examiners in Medicine and Surgery ("Board"); and
16 Patrick Marsh, D.O., having expressed a desire to execute a Consent
17 to Entry of Order ("Order") pursuant to A.R.S.§41-1061(D) in lieu of
18 participating in a public hearing concerning the allegations
19 contained in the complaint;

20 THEREFORE, in lieu of further proceedings and as a final
21 disposition of this matter:

22 (1) Patrick Marsh, D.O. admits that the Findings of Fact and
23 Conclusions of Law set forth are true and accurate.

24 (2) Patrick Marsh, D.O. admits that the conduct described in
25 this Order is unprofessional conduct as provided by A.R.S.§32-1854.

26 (3) Patrick Marsh, D.O. acknowledges that the record prepared
27 in this matter, all investigative material prepared and received by
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1 the Board concerning the allegations, and all related exhibits and
2 materials may be retained in the Board's file pertaining to this
3 matter.

4 (4) Patrick Marsh, D.O. understands that pursuant to A.R.S. §32-
5 1855, he has the right to a public hearing concerning each
6 allegation set forth in the above captioned matter at which Patrick
7 Marsh, D.O. could present evidence and cross-examine witnesses.
8 Patrick Marsh, D.O. waives his right to such hearing.

9 (5) Patrick Marsh, D.O. waives any right to rehearing or review
10 or to judicial review of the Findings of Fact Conclusions of Law or
11 Order.

12 (6) Patrick Marsh, D.O. acknowledges that based upon the
13 Findings of Fact and Conclusions of Law, coupled with his admission
14 thereto, and pursuant to A.R.S. §32-1855, the Board is authorized to
15 take formal disciplinary action against his license to practice
16 osteopathic medicine and surgery.

17 (7) Patrick Marsh, D.O. understands that he has the right to
18 consult with an attorney prior to signing this Consent to Entry of
19 Order.

20 (8) Patrick Marsh, D.O. acknowledges that the Findings of Fact,
21 Conclusions of Law and Order contained herein are conclusive
22 evidence of unprofessional conduct which may not be disputed, denied
23 or relitigated in any future proceeding and may be used for purposes
24 of determining sanctions in any future disciplinary matter.

25 (9) Patrick Marsh, D.O. hereby authorizes any attending
26 physician, psychiatrist or psychologist to release to the Board all
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1 records pertaining to his care and treatment.

2 (10) Patrick Marsh, D.O. acknowledges that any violation of
3 this Order by him constitutes grounds for further disciplinary
4 action for unprofessional conduct pursuant to A.R.S. §32-1854(26).

5 (11) Patrick Marsh, D.O. acknowledges that this Order is
6 effective beginning on the _____ day of February, _____.

7 DATED this _____ day of _____, 1992.

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11 _____
12 Attorney for Respondent

13 Patrick Marsh
14 Respondent

15 Pursuant to the foregoing Consent to Entry of Order, the
16 evidence contained in the Board's records and files in this matter,
17 and good cause appearing, the Board makes the following:

18 FINDINGS OF FACT

19 I

20 Patrick Marsh, D.O. is the holder of License No. 2502 for the
21 practice of osteopathic medicine and surgery in the State of
22 Arizona.

23 II

24 The Board of Osteopathic Examiners in Medicine and Surgery is
25 the duly constituted authority for the regulation of the practice of
26 osteopathic medicine and surgery in the State of Arizona, pursuant
27 to Title 32, chapter 17 of the Arizona Revised Statutes.

28 III

1 On February 4, 1992, Patrick Marsh, D.O., admitted to staff of
2 the Arizona Board of Osteopathic Examiners in Medicine and Surgery
3 that he had self-medicated with controlled and/or prescription only
4 medications on one or more occasions prior to that date.

5 IV

6 On January 28, 1992 a forensic toxicology screen was performed
7 on a urine sample obtained from Patrick Marsh, D.O. on that date.
8 The results of this test indicated the presence of the following
9 controlled and/or prescription only medications: Hydrocodone
10 (Codeine), Alprazolam Metabolite (Xanax) and Phentermine.

11 V

12 Patrick Marsh, D.O., was not on that date, under the care and
13 treatment of a physician, and had not been prescribed the
14 medications found in his urine sample by a physician during a
15 recognized course of treatment.

16 VI

17 On February 11, 1992, the Arizona Board of Osteopathic
18 Examiners in Medicine and Surgery voted to enter into a consent to
19 entry of order, findings of fact and conclusions of law #92-002 with
20 Patrick Marsh, D.O., establishing his in-patient treatment
21 requirement, and setting forth that he would refrain from the
22 practice of medicine until allowed to return to practice by the
23 Board.

24 VII

25 Patrick Marsh, D.O., has complied with the terms and conditions
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1 of consent to entry of order, findings of fact and conclusions of
2 law #92-002.

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4 VIII

5 The conduct described in paragraphs III through V herein
6 constitutes unprofessional conduct as defined in A.R.S. §32-1854(19):
7 Conduct or practice contrary to recognized standards of ethics of
8 the Osteopathic Medical Profession or conduct or practice which does
9 or might constitute a danger to the health, welfare or safety of the
10 patient or the public or conduct or practice or condition which does
11 or might impair the ability safely and skillfully to practice
12 medicine.

13 IX

14 The conduct described in paragraph III through V herein
15 constitutes unprofessional conduct as defined in A.R.S. §32-1854(22):
16 Use of controlled substances or prescription-only drugs unless
17 provided by a medical practitioner, as defined in §32-1901, as part
18 of a lawful course of treatment.

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20 ORDER

21 Pursuant to A.R.S. §32-1855(E)(4), Patrick Marsh, D.O. is hereby
22 authorized to resume the practice of osteopathic medicine and
23 surgery and is placed on probation for a period of three years,
24 commencing from the date of this Order. The terms of probation are
25 as follows:

26 (1) PATRICK MARSH, D.O., shall submit to random urinalysis
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1 testing administered by the Board or an agent of the Board. Samples
2 of biological fluids of PATRICK MARSH, D.O. will be collected by an
3 agent of the Board at times which are within the sole discretion of
4 the Board. All costs associated with the collection and analysis of
5 such fluids shall be borne by PATRICK MARSH, D.O.

6 (2) PATRICK MARSH, D.O. shall use no controlled substance or
7 prescription-only medication unless prescribed by his attending
8 physician. PATRICK MARSH, D.O. shall refrain completely from the
9 use of alcohol. PATRICK MARSH, D.O. shall notify the Board in
10 writing of any substance or medication prescribed him by a physician
11 within twenty-four hours after such prescription is ordered by the
12 attending physician.

13 (3) PATRICK MARSH, D.O. shall meet regularly with the Board as
14 ordered by the Board in its discretion to review his compliance with
15 the terms of this Order.

16 (4) PATRICK MARSH, D.O. shall authorize any attending
17 physician, psychiatrist or psychologist to release to the Board all
18 records pertaining to his care and treatment.

19 (5) PATRICK MARSH, D.O., shall regularly attend Alcoholics
20 Anonymous or Narcotics Anonymous meetings, or a similar 12 step
21 program approved by the Board, on a weekly basis, and shall attend
22 no fewer than ninety (90) meetings in the first ninety (90) days
23 from the effective date of this order.

24 (6) PATRICK MARSH, D.O. shall obtain and maintain a sponsor
25 for his participation in a Twelve Step recovery program.

26 (7) PATRICK MARSH, D.O. shall attend a group therapy meeting,
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1 with a counselor approved by the Board, no less than once per week,
2 and PATRICK MARSH, D.O., shall authorize that counselor to provide
3 regular reports to the Board detailing his attendance, participation
4 and progress in and with such meetings.

5 (8) PATRICK MARSH, D.O., shall attend an impaired
6 professionals group therapy program session approved by the Board no
7 less than once per month, and PATRICK MARSH, D.O., shall authorize
8 the group leader or counselor to provide regular reports to the
9 Board detailing his attendance, participation and progress in and
10 with said meetings.

11 (9) PATRICK MARSH, D.O., shall attend a private counseling
12 session no less than once per week with a counselor approved by the
13 Board, and PATRICK MARSH, D.O., shall authorize that counselor to
14 provide regular reports to the Board detailing his attendance and
15 program.

16 (10) PATRICK MARSH, D.O., shall bear any and all costs
17 associated with his compliance of the terms of this order.

18
19 DATED this 30th day of March, 1992.

20 ARIZONA STATE BOARD OF OSTEOPATHIC
21 EXAMINERS IN MEDICINE AND SURGERY

22
23 [S E A L]

24 By William C. Inboden, D.O.
25 William C. Inboden, President

26 By Robert J. Miller, Ph.D.
27 Robert J. Miller, Ph.D.
28 Executive Director